

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

MERRIL et al.

Serial Number: 08/879,139

Group Art Unit: 1643

Filed: June 19, 1997

Examiner: D. Wortman

For: ANTIBACTERIAL THERAPY WITH BACTERIOPHAGE GENOTYPICALLY  
MODIFIED TO DELAY INACTIVATION BY THE HOST DEFENSE SYSTEM

**DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

June 21, 1999

Sir:

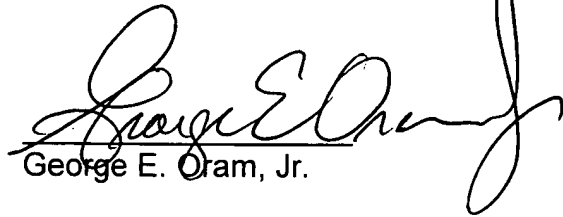
I, George E. Oram, Jr., a citizen of the United States, hereby declare and state:

1. I am a partner in the firm of Nikaido, Marmelstein, Murray & Oram LLP (referred to herein as the firm).

2. Attached hereto is an APPENDIX, which is a true rendition of the general procedures for the firm with regard to docketing due dates created by mail received from the U.S. Patent and Trademark Office (USPTO).

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
George E. Oram, Jr.

6/18/99  
Date

Enclosure:

APPENDIX

## APPENDIX

### Docketing and USPTO Filing Procedures for the Firm of Nikaido, Marmelstein, Murray & Oram LLP as of October 2, 1998

When a piece of mail received from the U.S. Patent and Trademark Office (referred to herein as "USPTO mail") is received by the firm of Nikaido, Marmelstein, Murray & Oram LLP (referred to herein as "the firm"), that piece of USPTO mail is first given to the docket clerk in the docketing department of the firm together with the firm's file (referred to herein as "the file") for the application referred to in the USPTO mail. The type of mail, together with the firm's client number and matter number for that file, is entered into a PTO mail log by the docket clerk.

The docket clerk is also responsible for maintaining a "Master Docket", which is a computer-compiled list containing (among other things) (1) calendar days arranged chronologically, and (2) all due dates created by USPTO mail for all cases being handled by the firm. When a piece of USPTO mail presents a due date for taking action in a particular application, the docket clerk enters the firm docket number for that application, and the action which is required to satisfy that due date, into the master docket under the date corresponding to the due date created by that piece of USPTO mail.

After the docket clerk has entered into the master docket every due date created by a piece of USPTO mail, the file, together with the USPTO mail, is then given to the principal attorney (referred to herein as "the attorney") responsible for the prosecution of that application.

The attorney, and the secretary responsible for assisting that attorney, (referred to

herein as "the secretary") each maintain a personal docket book. When the attorney receives a piece of USPTO mail which creates a due date, the secretary enters that due date in his or her personal docket book. After the secretary has docketed any due date(s) created by the piece of USPTO mail, he or she gives the file and the piece of USPTO mail to the attorney, who likewise docketed any due date created by the piece of USPTO mail in his or her docket book. In addition, the secretary marks the cover of the file to indicate the due date and the action required.